

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:   
DANIEL JEAN LIPSMAN, :  
:   
Plaintiff, : 21-CV-4631 (JMF)  
:   
-v- : ORDER  
:   
LORRAINE CORTES-VASQUEZ, :  
:   
Defendant. :  
:   
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JESSE M. FURMAN, United States District Judge:

Plaintiff has filed a letter with the Court expressing frustration with the passage of time since he filed his lawsuit; “acknowledg[ing] that” Defendant “has won this case” and “congratulating” opposing counsel; and expressing his “hope” that, when Eric Adams takes over as Mayor in January 2022, “reason and justice will finally prevail.” ECF No. 45. It is unclear from the letter whether Plaintiff wishes to withdraw his claims, as he is entitled to do under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. If he does, the Court will promptly dismiss the case without prejudice. If he does not, the Court will issue a ruling on Defendant’s pending motion to dismiss in due course.<sup>1</sup>

**No later than November 16, 2021, Plaintiff shall clarify whether he wishes to proceed with this lawsuit or whether he is withdrawing his claims.** If Plaintiff wishes to withdraw his claims, he is encouraged to use the attached Notice of Voluntary Dismissal form.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: November 9, 2021  
New York, New York



JESSE M. FURMAN  
United States District Judge

<sup>1</sup> The Court understands Plaintiff’s frustration with what he perceives to be the slow paces of this case, but the reality is that litigation is generally a deliberate process. That is due in part to the heavy docket of the Court — on average, the judges on this Court preside over anywhere from 300 to 500 cases at a time and have to manage their time accordingly. It is also due to the rules of procedure, which are meant to ensure that both sides have an adequate opportunity to be heard. Here, Defendant moved to dismiss Plaintiff’s initial complaint; Plaintiff then filed an amended complaint, and Defendant filed a new motion to dismiss.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

, ) **NOTICE OF VOLUNTARY**  
Plaintiff(s) ) **DISMISSAL PURSUANT TO**  
v. ) **F.R.C.P. 41(a)(1)(A)(i)**  
 )  
 ) Case No.:  
, )  
Defendant(s) )  
 )  
 )

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) \_\_\_\_\_ and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) \_\_\_\_\_.

Date:

*Signature of plaintiffs or plaintiff's counsel*

*Address*

*City, State & Zip Code*

*Telephone Number*